

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

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FILE: B-186260

DATE: JUL 12 1976

MATTER OF: Gerald P. Dulaney - Transportation expenses,  
reporting to first duty station

DIGEST: New appointee to shortage category position is entitled to reimbursement of travel and transportation expenses for the purpose of reporting to his first duty station under 5 U.S.C. § 5723(a) (1970) only if payment of such expenses has been properly authorized or approved.

By letter dated February 18, 1975, Mr. Gerald P. Dulaney appeals the denial of his claim for transportation and travel expenses by Claims Division Settlement Certificate No. Z-2577880, January 22, 1976. Mr. Dulaney's claim for \$1,968.35 arises in connection with his initial employment by the Department of the Army at Texarkana, Texas.

On February 1, 1974, Mr. Dulaney moved his residence from Oklahoma City, Oklahoma, to Texarkana, Texas, for the purpose of accepting a position as an auditor, series GS-510-09. We are advised that at the time of appointment the position which he accepted was classified as a manpower shortage category position under Appendix A of Chapter 571 of the Federal Personnel Manual.

Mr. Dulaney contends that because his was a shortage category position, he is entitled to travel and transportation allowances payable to new appointees under 5 U.S.C. § 5723(a) (1970) which provides as follows:

"(a) Under such regulations as the President may prescribe and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations--

"(1) travel expenses of a new appointee, or a student trainee when assigned on completion of college work, to a position in the United States for which the Civil Service Commission determines there is a manpower shortage; and

"(2) transportation expenses of his immediate family and his household goods and personal effects to the extent authorized by section 5724 of this title;

from his place of residence at the time of selection or assignment to his duty station. If the travel and transportation expenses of a student trainee were paid when he was appointed, they may not be paid when he is assigned after completion of college work. Travel expenses payable under this subsection may include the per diem and mileage allowances authorized for employees by subchapter I of this chapter. Advances of funds may be made for the expenses authorized by this subsection to the extent authorized by section 5724(f) of this title."

The Department of the Army reports that Mr. Dulaney was not authorized travel or transportation expenses under the above-cited statute and that at the time of his selection he in fact agreed to pay the costs associated with reporting to his first duty station. Mr. Dulaney denies that he agreed to bear those costs and cites his attempts before and after appointment to obtain reimbursement for the moving expenses incurred in relocating his residence to Texarkana, Texas.

Consistent with the language of 5 U.S.C. § 5723(a) (1970), quoted above, indicating that an individual newly appointed to a shortage category position may be paid the travel and transportation expenses authorized thereunder, paragraph 2-1.5f(1)(a) of the Federal Travel Regulations (FPMR 101-7) (May 1973) provides merely that such individuals "are eligible for travel and transportation to their first official stations at Government expense." Paragraph C4051-1 of the Joint Travel Regulation, Volume II, (JTR 2) applicable to civilian employees of the Department of Defense, similarly provides for the permissive payment of travel and transportation as follows:

"C4051 APPOINTEES TO MANPOWER SHORTAGE POSITIONS

"1. GENERAL. To the extent necessary to recruit qualified personnel, payment of travel and transportation expenses may be made to new appointees to manpower shortage positions for travel to first duty stations in the United States, excluding territories and possessions, except that no such payment may be made to student trainees who received payment when they were appointed as student trainees. For the purpose of this Chapter, a new appointee is an individual who receives his first appointment under the Federal Civil Service; or is appointed after a break in service; or is reinstated under Civil Service Regulations;

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or is a newly appointed student trainee. Likewise, a student trainee is an employee who has been in a nonpay status while attending college and who, upon graduation, returns to his employing agency in a professional capacity.

Under the authority of 5 U.S.C. § 5723 (1970), supra, we have held that new appointees to shortage category positions are entitled to travel and transportation expenses in reporting to their first duty stations only to the extent reimbursement is properly authorized or approved. B-164720, August 5, 1968; B-167963, October 17, 1969. Paragraph C4051 of JTR 2 clearly provides that payment of travel and transportation expenses to new appointees is discretionary. It further indicates that in the exercise of that discretion, authorizing officials should consider the extent to which payment of such expenses is necessary to recruit qualified personnel.

Since Mr. Dulaney was not authorized travel and transportation expenses in connection with his initial appointment by the Department of the Army, the denial of his claim by Settlement Certificate No. Z-2577880, January 22, 1976, is affirmed.

PAUL G. DEY  
For the Comptroller General  
of the United States